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10 THE UNITED STATES DISTRICT COURT
11 FOR EASTERN DISTRICT OF CALIFORNIA

12 JAMES SANFORD

13 Plaintiff,

14 vs.

15 RALPHS GROCERY COMPANY dba
16 RALPHS #983; BILL DEFAZIO; and
17 DOES 1 through 10

18 Defendants.

No. CIV.S 04-2037 LKK KJM

**STIPULATION TO AMEND
COMPLAINT AND ORDER
THEREON**

19 The parties, subject to approval of the Court, stipulate as follows:

20
21
22 1. The First Amended Complaint listed BILL DEFAZIO, as the party that
23 is an owner, operator and/or lessor of the property involved in this case,
24 however the CUSHMAN FAMILY TRUST B (c/o H. Barry Swickle) is the correct
25 property owner.
26

27 2. The parties agree that plaintiff shall and may amend the complaint to

28 Stipulation to Amend Complaint and Order Thereon

Sanford v. Ralphs Grocery Company
Case No. CIV.S 04-2037 LKK KJM

1 name CUSHMAN FAMILY TRUST B as a defendant and to dismiss defendant
2 BILL DEFAZIO, only, without prejudice.

3
4 3. Defendant RALPHS GROCERY COMPANY dba RALPHS #983 shall
5 not be required to file an answer to the amended complaint, and its initial answer
6 shall be deemed responsive to the second amended complaint. (Attached
7 hereto as Exhibit A)

8
9
10 Dated: August 16, 2005

LAW OFFICES OF LYNN HUBBARD

11 /s/ Lynn Hubbard, Esquire /
12 LYNN HUBBARD, III
13 Attorney for Plaintiff

14 Dated: August 16, 2005

GREENBERG TRAURIG, LLP

15 Signature on File /
16 STACEY L. HERTER
17 Attorney for Ralphs Grocery Company

18 Having good cause been shown IT IS HEREBY ORDERED:

- 19
20 1. Plaintiff shall amend complaint to name CUSHMAN FAMILY TRUST B as
21 a defendant.
22
23 2. Defendant BILL DEFAZIO, only, shall be dismissed without prejudice.
24
25 3. RALPHS GROCERY COMPANY dba RALPHS #983 shall not be required
26 to file an answer to the amended complaint.

27 Date: August 23, 2005.

/s/Lawrence K. Karlton
28 Judge of the District Court